

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

PHOENICHIA N. JONES,

Debtor.

Case No. 06-45634

Chapter 7

Judge Thomas J. Tucker

ORDER DENYING MOTION TO SET ASIDE ORDER DISMISSING CASE

This case is before the Court on Debtor's "Motion To Set Aside Order Dismissing [Case]," filed on September 22, 2006 (Docket # 23), seeking to set aside the Court's Order Dismissing Case for Debtor's failure to submit an acceptable matrix, filed on September 14, 2006 (Docket # 21). Debtor filed a Certificate of No Response on October 29, 2006. The Court construes this motion as a motion for reconsideration of the Court's Order Dismissing Case.

The Court finds that the motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(c).

The Court notes further that a meeting of creditors apparently was held and concluded, (*see* July 11, 2006 docket entry after Docket Entry # 15), but the record indicates that no creditors were served with the notice of the creditors meeting, or with any notice of the filing of this bankruptcy case, all due to the debtor's failure timely to file and upload a proper matrix until after the case was dismissed on September 14, 2006. (*See* BNC Certificate of Mailing at Docket # 6, p. 3.) This unreasonable delay by debtor was prejudicial to creditors and was cause for the dismissal of the case.

Accordingly,

IT IS ORDERED that Debtor's "Motion To Set Aside Order Dismissing [Case]," filed on

September 22, 2006 (Docket # 23), is DENIED.

Signed on November 02, 2006

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge